

JOEL L. FINGER  
ERIC D. WITKIN  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendant  
John Abraham  
900 Third Avenue, 20th Floor  
New York, NY 10022  
212.583.9600

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EYEWONDER, INC.,

Plaintiff,

-against-

JOHN ABRAHAM,

Defendant.

Civil Action No. 08 CV 3579 (GBD)

**NOTICE OF DEFENDANT'S CROSS-  
MOTION FOR A STAY OF  
ARBITRATION**

**ECF CASE**

**ORAL ARGUMENT REQUESTED**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in Opposition to Plaintiff's Motion to Dismiss Defendant's Counterclaims and in Support of Defendant's Cross-Motion for A Stay of Arbitration, upon the attached Affidavit of Eric D. Witkin (1) in Opposition to Plaintiff's Motion to Dismiss Counterclaims and (2) in Support of Defendant's Cross-Motion for a Stay of Arbitration and the exhibits thereto, and upon all of the pleadings and proceedings herein, Defendant John Abraham ("Defendant), by his attorneys Littler Mendelson, P.C., will cross-move this Court before the Honorable George B. Daniels, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 15D, New York, NY 10007, on a date and at a time to be designated by this Court, for an Order pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 2 and 4 staying the Arbitration initiated by Plaintiff against Defendant, American Arbitration Association ("AAA") No. 30 116 00331 08 entitled

*EyeWonder, Inc. and John Abraham* ("Arbitration"), in which the AAA has scheduled a preliminary hearing for August 4, 2008.

**PLEASE TAKE FURTHER NOTICE** that pursuant to this Court's Local Civil Rule 6.1(b), Plaintiff's papers, if any, in opposition to this Cross-Motion are due to be served and filed within ten business days of the service of this Notice.

WHEREFORE, Defendant prays the Court for an Order as follows:

1. Denying Plaintiff's motion to dismiss Defendant's counterclaims;
2. Granting Defendant's cross-motion to stay the Arbitration; and
3. Granting to Defendant such other relief as this Court deems just and proper.

Date: August 4, 2008  
New York, New York

LITTLER MENDELSON, P.C.

By.   
Joel L. Finger  
Eric D. Witkin  
900 Third Avenue, 20<sup>th</sup> Floor  
New York, NY 10022  
212.583.9600

Attorneys for Defendant  
John Abraham

TO: **KILPATRICK STOCKTON LLP**  
Lisa Pearson  
31 West 52<sup>nd</sup> Street, 14<sup>th</sup> Floor  
New York, NY 10019

James F. Bogan III  
*Admitted pro hac vice*  
Suite 2800, 1100 Peachtree Street  
Atlanta, Georgia 30309

*Counsel for Plaintiff EyeWonder, Inc.*